

HOUSE BILL No. 1224

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-47-2.

Synopsis: Handgun licenses and ammunition. Limits the size of a license to carry a handgun. Specifies certain information that must be obtained before a person may deliver ammunition for a handgun to another person. Requires the transferor of the handgun ammunition to forward certain information about the transfer to the superintendent of the state police department.

Effective: Upon passage; July 1, 2003.

Smith V

January 8, 2003, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.

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Introduced

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1224

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-47-2-3, AS AMENDED BY P.L.120-2001,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2003]: Sec. 3. (a) A person desiring a license to carry a
4 handgun shall apply:

5 (1) to the chief of police or corresponding law enforcement officer
6 of the municipality in which the applicant resides;

7 (2) if that municipality has no such officer, or if the applicant does
8 not reside in a municipality, to the sheriff of the county in which
9 the applicant resides after the applicant has obtained an
10 application form prescribed by the superintendent; or

11 (3) if the applicant is a resident of another state and has a regular
12 place of business or employment in Indiana, to the sheriff of the
13 county in which the applicant has a regular place of business or
14 employment.

15 (b) The law enforcement agency ~~which that~~ accepts an application
16 for a handgun license shall collect a ten dollar (\$10) application fee
17 ~~from the applicant~~, five dollars (\$5) of which ~~the agency shall be~~

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1 ~~refunded~~ **refund to the applicant** if the license is not issued. Except
 2 as provided in subsection (h), the fee shall be:

3 (1) deposited into the law enforcement agency's firearms training
 4 fund or other appropriate training activities fund; and

5 (2) used by the agency for the purpose of:

6 (A) training law enforcement officers in the proper use of
 7 firearms or other law enforcement duties; or

8 (B) purchasing for the law enforcement officers employed by
 9 the law enforcement agency firearms, or firearm related
 10 equipment, or both.

11 The state board of accounts shall establish rules for the proper
 12 accounting and expenditure of funds collected under this subsection.

13 (c) The officer to whom the application is made shall ascertain the
 14 applicant's name, full address, length of residence in the community,
 15 whether the applicant's residence is located within the limits of any city
 16 or town, the applicant's occupation, place of business or employment,
 17 criminal record, if any, and convictions (minor traffic offenses
 18 excepted), age, race, sex, nationality, date of birth, citizenship, height,
 19 weight, build, color of hair, color of eyes, scars and marks, whether the
 20 applicant has previously held an Indiana license to carry a handgun
 21 and, if so, the serial number of the license and year issued, whether the
 22 applicant's license has ever been suspended or revoked, and if so, the
 23 year and reason for the suspension or revocation, and the applicant's
 24 reason for desiring a license. The officer to whom the application is
 25 made shall conduct an investigation into the applicant's official records
 26 and verify thereby the applicant's character and reputation, and shall in
 27 addition verify for accuracy the information contained in the
 28 application, and shall forward this information together with ~~his~~ **the**
 29 **officer's** recommendation for approval or disapproval and one (1) set
 30 of legible and classifiable fingerprints of the applicant to the
 31 superintendent.

32 (d) The superintendent may make whatever further investigation the
 33 superintendent deems necessary. Whenever ~~disapproval is~~
 34 ~~recommended~~, the officer to whom the application is made
 35 **recommends disapproval of the application, the officer** shall
 36 provide the superintendent and the applicant with the officer's complete
 37 and specific reasons, in writing, for the recommendation of
 38 disapproval.

39 (e) If it appears to the superintendent that the applicant has a proper
 40 reason for carrying a handgun and is of good character and reputation
 41 and a proper person ~~to be so licensed; (as defined in IC 35-47-1-7),~~ the
 42 superintendent shall issue to the applicant a qualified or an unlimited

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license to carry any handgun lawfully possessed by the applicant. The original license shall be delivered to the licensee. A copy shall be delivered to the officer to whom the application for license was made. **The superintendent shall retain** a copy ~~shall be retained by the superintendent~~ for at least four (4) years. This license shall be valid for ~~a period of~~ four (4) years from the date of issue. The license of police officers, sheriffs or their deputies, and law enforcement officers of the United States government who have been honorably retired by a lawfully created pension board or its equivalent after twenty (20) or more years of service, shall be valid for the life of ~~such the~~ individuals. However, ~~such~~ lifetime licenses are automatically revoked if the license holder does not remain a proper person.

(f) At the time a license is issued and delivered to a licensee under subsection (e), the superintendent shall include with the license information concerning handgun safety rules that:

(1) neither opposes nor supports an individual's right to bear arms; and

(2) is:

(A) recommended by a nonprofit educational organization that is dedicated to providing education on safe handling and use of firearms;

(B) prepared by the state police department; and

(C) approved by the superintendent.

The superintendent may not deny a license under this section because the information required under this subsection is unavailable at the time the superintendent would otherwise issue a license. The state police department may accept private donations or grants to defray the cost of printing and mailing the information required under this subsection.

(g) A license to carry a handgun shall not be issued to any person who:

(1) has been convicted of a felony;

(2) is under eighteen (18) years of age;

(3) is under twenty-three (23) years of age if the person has been adjudicated a delinquent child for an act that would be a felony if committed by an adult; or

(4) has been arrested for a Class A or Class B felony, or any other felony that was committed while armed with a deadly weapon or that involved the use of violence, if a court has found probable cause to believe that the person committed the offense charged.

In the case of an arrest under subdivision (4), **the superintendent may issue** a license to carry a handgun ~~may be issued to a person who has~~

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1 ~~been acquitted upon the person's acquittal~~ of the specific offense
 2 charged or ~~if upon dismissal of the charges for the specific offense. are~~
 3 ~~dismissed.~~ The superintendent shall prescribe all forms to be used in
 4 connection with the administration of this chapter.

5 (h) If the law enforcement agency that charges a fee under
 6 subsection (b) is a city or town law enforcement agency, the fee shall
 7 be deposited in the law enforcement continuing education fund
 8 established under IC 5-2-8-2.

9 (i) If a person who holds a valid license to carry a handgun issued
 10 under this chapter:

11 (1) changes the person's name; or

12 (2) changes the person's address;

13 the person shall, not later than sixty (60) days after the date of the
 14 change, notify the superintendent, in writing, of the person's new name
 15 or new address.

16 (j) The state police shall indicate on the form for a license to carry
 17 a handgun the notification requirements of subsection (i).

18 **(k) A license to carry a handgun must be not more than two and**
 19 **one-fourth (2 1/4) inches by three and one-half (3 1/2) inches in**
 20 **size.**

21 **(l) The superintendent shall prescribe specifications for the form**
 22 **of a license issued under this section.**

23 SECTION 2. IC 35-47-2-23 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 23. (a) A person who
 25 violates section 3, 4, 5, 14, 15, or 16 of this chapter commits a Class B
 26 misdemeanor.

27 (b) A person who violates section 7, 17, or 18 of this chapter
 28 commits a Class C felony.

29 (c) A person who violates section 1 **or 25** of this chapter commits
 30 a Class A misdemeanor. However, ~~the offense violation of section 1~~
 31 **of this chapter** is a Class C felony:

32 (1) if the offense is committed:

33 (A) on or in school property;

34 (B) within one thousand (1,000) feet of school property; or

35 (C) on a school bus; or

36 (2) if the person:

37 (A) has a prior conviction of any offense under:

38 (i) this subsection; or

39 (ii) subsection (d); or

40 (B) has been convicted of a felony within fifteen (15) years
 41 before the date of the offense.

42 (d) A person who violates section 22 of this chapter commits a Class

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A misdemeanor. However, the offense is a Class D felony if the person has a prior conviction of any offense under this subsection or subsection (c), or if the person has been convicted of a felony within fifteen (15) years before the date of the offense.

SECTION 3. IC 35-47-2-25 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 25. If a person seeks to secure delivery of ammunition for a handgun from another person, the following requirements must be met:**

(1) The recipient of the handgun ammunition must present the transferor of the handgun ammunition with all the following:

(A) The recipient's license issued under this chapter if the recipient is required to obtain a license to carry a handgun.

(B) A copy of the federal handgun transfer application form for each handgun that the recipient:

(i) possesses; and

(ii) may use with the ammunition the recipient seeks to procure.

(2) The transferor of handgun ammunition:

(A) shall record:

(i) the name and serial number listed on the recipient's license;

(ii) the manufacturer's serial number for the handgun listed on each federal handgun transfer application form provided by the recipient; and

(iii) the amount, type, and brand name of ammunition to be transferred;

(B) must receive all the information required under subdivision (1) before transferring the ammunition; and

(C) shall forward a copy of the information received under subdivision (1) to the superintendent after the transferor delivers the ammunition to the recipient.

SECTION 4. [EFFECTIVE UPON PASSAGE] **(a) The superintendent of the state police department shall adopt rules under IC 4-22-2 to implement IC 35-47-2-3, as amended by this act, before July 1, 2003.**

(b) This SECTION expires July 1, 2003.

SECTION 5. [EFFECTIVE JULY 1, 2003] **IC 35-47-2-3, as amended by this act, applies only to licenses to carry handguns that are issued or renewed under IC 35-47-2 after June 30, 2003.**

SECTION 6. **An emergency is declared for this act.**



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